United States Court of Appeals

for the Second Circuit

BRIEF FOR APPELLEE

76-7139

B

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

THE CITY OF ROCHESTER, Individually and on behalf of Donald Bunch; and DONALD BUNCH, Individually, and on behalf of all others similarly situated,

Appellants,

vs.

THE MONROE COUNTY CIVIL SERVICE COMMISSION, consisting of GERALD B. HANNA, MICHAEL D. CERAME, JOSEPH T. DEVITT, ROBERT B. NELLIS and GEORGE H. SCHEIBLE, Commissioners and its Executive Director, FREDERICK W. LAPPLE; and the STATE OF NEW YORK,

Appellees.

APPELLEES' BRIEF

WILLIAM J. STEVENS
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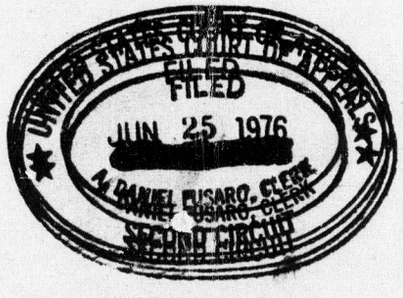

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STATEMENT OF FACTS

This action was commenced in the United States District Court Western District of New York by the filing of the Summons and Complaint and by a Motion for an Order to Show Cause which was returnable before the United States District Court of the Western District of New York on July 14, 1975, Hon. Harold P. Burke, United States District Judge residing. The Appellants, Donald Bunch and City of Rochester appeared by Louis N. Kash, Corporation Counsel for the City of Rochester. The Appellees, Monroe County Civil Service Commission, appeared by William J. Stevens, Monroe County Attorney, Joseph C. Pilato, of Counsel, and then Defendant, State of New York, appeared by Louis K. Lefkowitz, Attorney General, Paul O. Harrison, of Counsel. A motion was made by the Appellees pursuant to Rule 12(b) of the Federal Rules of Civil Procedure and Title 28 U.S.C.A. to dismiss and vacate the Order to Show Cause and to dismiss the Summons and Complaint of the above entitled action. Subsequent to the oral argument of July 14, 1975, the Appellee, Monroe County Civil Service Commission, served their Answer and Counterclaim to the aforesaid Summons and Complaint. Said Counterclaim has as yet not been responded to by the Appellants in this proceeding.

The State of New York was dismissed as a defendant as a result of a motion to dismiss which was made on November 24, 1975, but contrary to the Statement of Facts that appears in Appellant's brief at page 9, there has been no hearing or other

discovery devices in the above entitled case. By decision and order dated February 11, 1976, and entered on February 13, 1976, Judge Burke, denied Plaintiffs application for preliminary injunction and made a finding that there was no showing that the Plaintiffs were likely to succeed in this action or that the Plaintiffs would be irreparably harmed if a preliminary injunction did not issue. The Court also denied the Defendants motion to dismiss the cause of action.

The background of this case is as follows:

The Monroe County Civil Service Commission pursuant to the request of the Plaintiff, City of Rochester, did on or about October 9, 1974, publish an announcement for promotional examination for the employees of the City of Rochester for the Civil Service titled position of "Recreation Sector Leader." This announcement is annexed as Exhibit "1" of the Appellees' brief.

The Plaintiff, Donald Bunch, has been employed by the Plaintiff, City of Rochester, for approximately nine and one-half (9 1/2) years primarily in the Recreation Department. On or about October 15, 1973, the Plaintiff, Donald Bunch, was given a "temporary" promotion to the position of Recreation Sector Leader, a Civil Service titled position. Presumably sufficient justification was given by the City of Rochester to explain why the appointment was not made pursuant to the Civil Service Law through open competitive examination. At any rate, this temporary appointment lasted ninety (90) days and was again extended for an additional thirty (30) days. Finally, under instruction and demand from the Monroe County Civil Service Commission, the City of Rochester changed the status of the Plaintiff, Donald Bunch, from temporary

appointment to provisional appointment pursuant to the requirements of Section 65 of the Civil Service Law. Said appointment was made on or about February 18, 1974.

Pursuant to said Section 65 of the Civil Service Law, a civil service examination whose announcement is annexed to Appellees' brief as an exhibit along with the job description, was scheduled and Plaintiff, Donald Bunch, did take said examination on or about December 14, 1974. The examination was prepared by the New York State Civil Service Commission in Albany and forwarded to the Monroe County Civil Service Commission who was the administrative authority. The examination was graded and the results were forwarded pursuant to the appropriate procedures to the New York State Civil Service Commission.

The Plaintiff, Donald Bunch, placed seventeenth (17th) of the nineteen (19) individuals who passed the examination. The passing mark was seventy percent (70%) and the Plaintiff, Donald Bunch, scored seventy-four point nine percent (74.9%) including the seniority credit computed at the rate of point two (.2) of an exam point for every year of service and job experience. The Civil Service list was certified on or about April 7, 1975, and the names of the top three (3) individuals passing said test were forwarded to the Plaintiff, City of Rochester, the appointing authority. The top three (3) applicants on said certified list all scored ninety-two point three percent (92.3%) and two (2) of the three (3) above referred to applicants who were among the top three (3) names forwarded by the Monroe County Civil Service Commission possessed equal or greater seniority credit than the Plaintiff, Donald Bunch, and were both by sex women.

It has come to the Appellees' attention that since the preparation of the records of this appeal and after submission of appropriate pleadings by the Appellees, that these two (2) women have in fact been appointed to two (2) of the four (4) City of Rochester titled positions of Recreation Sector Leader. One of the four (4) positions of Recreation Sector Leader is currently held by a white male and the remaining position of Recreation Sector Leader position is currently vacant and has remained so vacant since Donald Bunch vacated said position.

The exhibits of the Appellees' are incorporated by reference in this Statement of Facts and further there is no contention by the Plaintiff, City of Rochester, and the Plaintiff, Donald Bunch, that either ever objected to any questions on the aforesaid Civil Service examination although they had ample opportunity to express said objections. In addition, there is no objection nor claim as to the question of job relatedness of such examination or objection on the basis of content validation. Further, the City of Rochester, as an appointing authority, had the right under the Civil Service Law to apply to the Civil Service Commission to make the position of Recreation Sector Leader an exempt position and at no time did the Plaintiff, City of Rochester, ever attempt to so exempt this position. The Plaintiff, Donald Bunch, is still employed in the Recreation Department in the titled Civil Service position immediately below the Recreation Sector Leader and has remained so employed to the present time.

The City of Rochester has rejected the names presented by the Monroe County Civil Service Commission through its certi-

fied list (from which list the aforesaid appointment of two women were made), for appointment to this position and has to this date resisted any appointment of an individual from the remaining top three (3) applicants of said certified list. It is agreed by all parties that this is contrary to the New York State Civil Service Law but the Plaintiffs continue to resist any appointment other than the Plaintiff, Donald Bunch, on the grounds of the unconstitutionality of the Civil Service Law and further contends that any other appointment would be contrary to the objectives of the City of Rochester's Affirmative Action Plan.

STATEMENT OF ISSUES

Should the District Court's decision and order insofar as it denied Plaintiff's application for a preliminary injunction be affirmed?

Should the Plaintiffs as adverse parties be severed as joint party plaintiffs in this action?

POINT I

THE DISTRICT COURT'S DECISION IN DENYING PLAINTIFFS APPLICATION FOR A PRELIMINARY INJUNCTION WAS PROPER AND SHOULD BE AFFIRMED

There is no question that this Court has sufficient jurisdiction to entertain either the affirmation or denial of the application for preliminary injunction which was heard before the Honorable Harold P. Burke, and the District Court below. This Court most assuredly should affirm the District Court's denial of the preliminary injunction and indeed go further and sever the party plaintiffs by virtue of their adverse nature pursuant to Rule 20(g) of the Federal Rules of Procedure.

As was pointed out in Appellant's brief the general rule is that the findings of a District Court "are not to be disturbed unless found to be clearly erroneous." Dopp v. Franklin National Bank 461 F.2d 873, 879 (2d cir. 1972). It is indeed curious that the Appellants should cite a case in which the Second Circuit Court of Appeals reversed and remanded a preliminary injunction of Judge Brieant holding it was error for the court to grant such relief "unless the plaintiff can make a clear (emphasis added) showing of probable success."

We assert that principle here, and even where a party can be deemed to have waived his right to a factual hearing below, the movant is not relieved of his burden of establishing a reliable factual basis for the preliminary injunction. 7 Moore,

Fed. Practice 65.04 (3), at 1641. Certainly it could not be suggested that the parties could waive this right to a decision according to law and confer upon a district judge the power to decide by a toss of the coin. Dopp v. Franklin, supra at 879. Thus where as here (contra Appellants' brief at page 9) a hearing has not even been held that would most definitely be reversible error had Judge Burke granted the preliminary injunction requested and thus prejudged the case based only upon pleadings. Indeed the granting of a preliminary injunction is so extraordinary as to require a showing of "irreparable harm" Rondeau v. Mosinee Paper Corp. 422 U.S. 49 (1975). The Appellants at pages 9 and 10 of their brief set forth two tests for determining whether a preliminary injunction should be granted. The first test being "the party requesting the preliminary injunction must present (1) probability of success upon a trial on the merits and (2) the likelihood of irreparable harm unless an injunction is granted." Cole v. Price Commission 337 Fed. Sup. 1236, 1239 (S.D.N.Y. 1972). The Appellants conceed and Judge Burke specifically found that they had not passed this burden. Indeed given the fact circumstances as here the Plaintiff, Donald Bunch is still gainfully employed in essentially the same field and the City of Rochester has managed to hold open the position of Recreation Sector Leader for over a year, there is no question that the Plaintiffs have not shown irreparable harm. As to the likelihood or probability of success portion of that test, Appellants have also failed in that burden and in fact the Appellees contend that their motion to dismiss should have been granted. Be

that as it may, the constitutionality of Section 61 and Section 65 of the New York State Civil Service Law has been tested successfully in both New York State Courts; People v. Gaftney 142 App. Div. 122, 126 NY Sup. 2d 1027; Sable v. Pinkard 71 Misc. 2d 126, 335 NY Sup 2d 34; State Division of Human Rights v. City of Schenectady 76 Misc. 2d 43 351 NY Sup. 290; Jackson v. Poston 40 App. Div. 2d 19, and the Federal Courts; Koscherak v. Schmeller et al. and DeSalva, Dixon and Dolan et al. v. State of New York, City of New York et al. 363 F. Supp. 932. Indeed the United States Supreme Court reversed the United States District Court of Appeals for the District of Columbia Circuit in a case closely in point which involved a constitutional test via the Fifth Amendment on a similar civil service test where a disproportionate number of blacks and minorities passed as opposed to a white majority, the court held that it is error to apply the standards applicable to Title VII cases in resolving Fifth and Fourteenth Amendment cases. The court specifically held that it does not follow that a law or other official act is unconstitutional solely (emphasis added) because it has a racially disproportionate impact regardless of whether it reflects a racially discriminatory purpose. Washington et al. v. Davis Docket No. 74-1492, 44 LW. 4789 (June 7, 1974) at 4793.

> "Nevertheless, we have not held that a law, neutral on its face and serving ends otherwise within the power of government to pursue, is invalid under the Equal Protection Clause simply because it may affect a greater proportion of one race than another. Disproportionate impact is not irrelevant but it is not the sole touch stone of an invidious ratio of discrimination forbidden by the Constitution. Standing alone it does not trigger the rule. McLaughlin v. Florida 379 U.S. 184 (1964)."

The Appellants apparently are attempting to prove is the principle of an absolute preference for promotion of a particular individual solely on the basis of the fact that he is a black and thus a member of a minority group. That has never been the rule. Griggs v. Duke Power Company 401 U.S. 424. Again as the Court in Washington v. Davis, supra, at 4795 pointed out,

> "This conclusion of the District Judge that training-program validation may, itself, be sufficient is supported by regulations of the Civil Service Commission by the opinion evidence placed before the District Judge and by the current views of the Civil Service Commissioners who were parties to the case. Nor is the conclusion foreclosed by either Griggs or Albemarle Paper Company v. Moody 422 U.S. 405 (1975), and it seems to us a much more sensible construction of the job relatedness requirement."

Turning now to the second test which Appellants state at page 10 of their brief is the test which they intend to rely upon and which restated is simply that a temporary injunction should issue when, a plaintiff has raised questions going to the merits so serious, substantial, difficult and doubtful, as to make them a fair ground for litigation and thus for more deliberate investigation and (emphasis added) the balance of hardship shifts decidedly (emphasis added) toward the plaintiff even though the plaintiff has not demonstrated a strong likelihood of success. Omega Importing Corp. v. Pietre Camera Company 451 F. 2d 1190, 1193. It is interesting to realize, however, that the Omega case involved complicated treaty relationships between East and West Germany and companies doing business in the United States and further that the Court in the same case (footnote 5 at page 1193) suggested that the District Court relied on Cerutti Inc. v.

McCroy Corp. 438 F. 2d 281, and that serious issues as to patents not be decided preliminarily on just a showing of affidavits (as in the case at hand) without clear proof of necessity for the injunction. The Court in the Omega case has such clear proof of necessity. Omega, supra at 1195. Here the sole question is the absolute right to promotion by a given individual simply because he is black. Clearly the answer is no.

There are over twenty-five (25) different municipalities located within the County of Monroe, in addition to the City of Rochester and the State of New York, which are all subject both to the provisions of Title VII of the Civil Rights Act as amended in 1972 and the Executive Law of the State of New York Section 296, et. seq. All of these municipalities have similar affirmative action plans and programs, including the County of Monroe, to the one subscribed to by the City of Rochester. Yet it is the City of Rochester alone which seeks to attribute to the New York State Civil Service Law all of its failures in the area of civil rights.

It is factually falacious and most certainly does not follow as the City of Rochester contends at pages 5 and 6 of its brief that ". . . Civil Service Law . . . obstructs unlawfully the effective implementation of the City's affirmative action plan . . ." There is no other municipality having such difficulty and the practical effect of this lawsuit is to shield the City of Rochester from the lawsuits of minority individuals by the simple act of attributing all of its admitted failings in the areas of civil rights to the New York State Civil Service Law.

This action also serves an additional bonus for the City of Rochester in that it may now seek to promote and hire individuals without the public scrutiny of the New York State Civil Service Law and further allows the spoil system in full rein without the protections of and requirements of merit and fitness which the New York State Civil Service Law requires.

Even had the Plaintiffs met the first portion of the latest test burden they most clearly and dramatically fail at the second. The balance of equities most decidedly tips against the Plaintiffs, and the status quo of the parties is currently being maintained without a preliminary injunction. San Filippo, et al. v. United Brotherhood of Carpenters and Joiners of America, Docket No. 75-7394 (October 28, 1975); Munters Corp. v. Burgess Industries, Inc. and Buffalo Forge Company, Docket No. 76-7082 (June 2, 1976); Stecher-Traucy-Schmidt Corp. v. M.A. SELF, BEE Chemical Corp., et al. Docket No. 75-7397 (January 29, 1975); Merrit, et al. v. Libby, McNeill and Libby, et al. Docket No. 76-7136 (April 5, 1976). Indeed when measured against the catastrophical effect against all of the municipalities located within the State of New York and indeed the State of New York itself should the Civil Service Law be suspended for the sole benefit of the two Plaintiffs in this case, would make a mockery of the "balance of equities" test. An additional reason for denying the preliminary injunction would be the leisurely pace at which the Plaintiffs have attempted to pursue their "rights" in the instant case. Gillespie, and Co. of New York, Inc., et al. v. Weyerhaeuser Co., Docket No. 75-7569 (April 1, 1976).

Nor can the Appellants in this case show their circumstance to be analogous to King v. Civil Service Commission, 7 F.E.P. cases 348 (S.P.D.N.Y. 1973) and the other cases cited at page 16 of their brief. First of all, the King case involved a position which was a lifetime appointment unlike the instant case and further the preliminary injunction in that case was for only a one month duration as there was to be a early trial of the issues involved. The other cases cited by the Appellants all involved litigants who challenged various particular tests either as to the fairness, administration of the test or the job relatedness of the particular test and the minority passing statistics included for the basis for the attack upon these particular tests. In the instant case none of these attacks are present and in fact the Appellants conceed both to the fairness and administration in testing, the job relatedness of the exam and in fact the content validation of the particular examination in question. What Appellants are attempting to do is to suspend the operation of the entire Civil Service Law with its inherent protection against the spoil system on the basis of some theory of basic inferiority of minorities to pass any civil service exam. What indeed could be more patently racist?

In the King case, the potential appointee would have been unemployed and the probable opportunity for appointment as examiner might have been lost forever to him. In the instant case, Plaintiff, Donald Bunch, is still gainfully employed with the City of Rochester in essentially the same position and the City of Rochester has proceeded all these many months without

the necessity of filling the current vacant position of Recreation Sector Leader. It seems eminently clear that the Court was not only correct in denying the preliminary injunction to the Appellants but may have erred in failing to dismiss this clearly species cause of action, pursuant to 56(a) F.R. Civ. Pro. Koscherak, et al. v. Schmeller, supra.

POINT II

THE PARTY PLAINTIFFS IN THIS PROCEEDING ARE ADVERSE PARTIES AND SHOULD BE SEVERED AS THIS REPRESENTS A MISJOINDER OF PARTIES

Rule 20A of the Federal Rules of Civil Procedures provides that "all persons may join in one action as plaintiffs if they assert any right to relief, jointly, severly or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all those persons will arise in the action . . ." The limitations of rights asserted or action arising must come out of the single transaction or occurrence and that there must be a common question of law or fact that is presented.

In the instant case the Plaintiff, City of Rochester, is the appointing authority and is responsible for both the appointment of individuals to the position of Recreation Sector Leader and further responsible for the implementation of an adequate affirmative action plan which presumably is an attempt to correct past acts of discrimination against minority individuals such as the Plaintiff, Donald Bunch, by the Plaintiff, City of Rochester. The Plaintiff, Donald Bunch, on the other hand, if he had a valid cause of action, and Appellees deny that such a valid cause of action exists, would presumably move against the Plaintiff, City of Rochester, as his employer within the meaning of Title VII and Section 296 of the New York State Executive Law, as well as any impleaded third party, vis a vis Monroe County

Civil Service Commission. The Appellant, City of Rochester, has not only joined with the Appellant, Donald Bunch, as co-plaintiffs, but despite the obvious conflict of interest; Canon of Ethics Americal Bar Association Canons 5, 6 & 7* and Ethic Considerations of the Code of Professional Responsibility of the New York State Bar Association, "a lawyer should never represent in litigation multiple clients with different interests," EC 5-15; purports to represent Donald Bunch and they have by this action effectively denied him independent legal counsel and precluded him from moving against the City of Rochester as well as limiting the defenses which can be brought against the City of Rochester by the currently named defendants. Such improper misjoinder frustrates the very objects of justice which the Federal Court System deems to protect. Title 28 U.S.C.A. Sec. 1359 states: "The District Court does not have jurisdiction over civil action in which any party by assignment or otherwise has been improperly or collusively made or joined to invoke the jurisdiction of said court." As is shown by the record at pages 43 and 45 Appellees' pleadings moved on this ground to have the parties severed so that the action could be prosecuted in their true capacity and further so that the Appellees could cross-move and implead the City of Rochester as a third party defendant.

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* Canon 5 - "A lawyer should exercise indenendent professional judgment on behalf of a client."

Canon 6 - "A lawyer should represent a client completely."

Canon 7 - "A lawyer should represent a client zealously within the bounds of the law."

As the case now stands such improper joinder of the above Appellants as party plaintiffs divests Federal Court of jurisdiction as well as clouds the rights sought to be enforced.

> "An action shall be prosecuted in the name of the party who substantive law has the rights should to be enforced." U.S. v. Saint Regis Paper Company 106 F. Sup. 286; Doherty v. Mutual Warehouse Company 245 F. 2d 609.

The City of Rochester from their complaint and pleadings purports to the implementation of their affirmative action plan, which objects Appellees' law but was point out in Point I the City of Rochester illogically assumed that by voting the Civil Service Law as the only method by which they can implement such a plan and program. As was previously pointed out this is certainly not the case and none of the other twenty-five (25) municipalities included within the County of Monroe found it necessary to so move against the New York State Civil Service Law. The City of Rochester further has never shown any authority whatsoever for their propriety of their proposed individual representation of Donald Bunch.

Donald Bunch, on the other hand, seeks in effect an absolute right of promotion simply by virtue of his being black. This, of course, is contrary to Griggs v. Duke Power Company, supra, and Washington v. Davis, supra, as this court pointed out in Koscherak v. Schmeller, et al, supra at 943,

> "There is no entitlement here. The plaintiffs are not being deprived of something they now enjoy . . ."

It is important again to emphasis that none of the parties to this action has ever questioned either the job relatedness nor the test validation propriety of the civil service test

in question. Had said objections as to a given test by both the City of Rochester, as an employer, and by Donald Bunch, as an individual, seeking promotion then perhaps they would have had a common ground for this action, but as this case is currently framed the City of Rochester seeks to insulate itself both from the merit and fitness requirements of the New York State Civil Service Law but from the potential law suits of minority individuals such as the Plaintiff, Donald Bunch, under Title VII of the Civil Rights Act as amended in 1972 and under Section 296 of the New York State Executive Law. Plaintiff, Donald Bunch, assuming arguendo that he had been the object of illegal discrimination under either Title VII or Section 296 of the Executive Law has been effectively frustrated from commencing an action against his employer, the real party defendant in interest, and seeks redress from the Monroe County Civil Service Commission alone of a nature which is not only improper and wrongful but in fact illegal.

This Court has jurisdiction to sever such misjoinder 1 Moore Section 1402; See 3A Moore Section 19.04. Indeed this Court has jurisdiction conferred by Section 28 U.S.C.A. Section 1292 to not only affirm the denial of the preliminary injunction but may also modify the parties such that their true interests are reflected.

CONCLUSION

The decision and order of the District Court should be affirmed insofar as it denies the Plaintiffs application for a preliminary injunction and the Court should sever the party plaintiffs on a ground of their adverse interest.

Dated: June 24, 1976

Respectfully submitted,

WILLIAM J. STEVENS
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Rochester, New York 14614
Telephone: (716) 428-5280

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of June, 1976, I served the foregoing Appellees' Brief upon counsel for the Appellants, by causing two copies to be mailed, postage prepaid, to:

Louis N. Kash, Esq.
Corporation Counsel
46 City Hall
Rochester, New York 14614

JOSEPH C. PILATO
Deputy County Attorney

Dated: June 24, 1976

Issued: October 4, 197

EXHIBIT "1"

COUNTY OF MONROE
OFFICE OF PERSONNEL
209 COUNTY OFFICE BUILDING
39 MAIN STREET WEST
ROCHESTER, NEW YORK 14614

EXAMINATION NUMBER P-79885

RECREATION SECTOR LEADER

$13,123 - $15,658

CLOSING DATE FOR APPLICATIONS:
November 13, 1974

EXAMINATION DATE: December 14, 1974
Acceptable candidates will be notified of time and place.

The Monroe County Civil Service Commission announces a PROMOTIONAL examination for employees of the City of Rochester who have six (6) months permanent status as a Recreation Leader II, or Recreation Leader III prior to the date of the examination. This test is being given to establish an eligible list to fill present and future vacancies in the City of Rochester, Department of Parks and Recreation, Division of Recreation.

EXAMPLES OF DUTIES: (Illustrative Only)
Administers the day-to-day operation of a group of recreation playgrounds in a sector;
Supervises and assigns recreation personnel within the recreation sector;
Works with community groups in developing sector advisory councils to maximize community input into the program;
Oversees the implementation of recreation activities within the sector;
Analyzes the recreation program, participation and attendance within the sector in order to effect improvements;
Provides recommendations to the Department administrator on changes in the recreation program.

SCOPE OF THE EXAMINATION: - Will Test -

1. Supervision;
2. Principles and practices of publicity, promotion and public relations;
3. Principles and practices of leisure recreation.

This written test is being prepared and rated by the New York State Department of Civil Service in accordance with Section 23-2 of the Civil Service Law. The provisions of the New York State Civil Service Rules and Regulations dealing with the rating of the examination will apply to this written test.

APPLICATIONS may be obtained and must be filed in the Office of the Commission at the address above.

SENIORITY will be added to the score of every passing candidate at the rate of .2 for every year of continuous permanent service up to a maximum of twenty (20) years.

VETERANS entitled to and wishing to claim additional points must file a special form along with evidence of military discharge in the Office of the Commission by

EXHIBIT "2"

RECREATION LEADER I

Under 30 Points - 8 exam questions

Knowledge of rules, regulations, and techniques of a variety of athletic activities such as basketball, baseball, tennis, swimming, hockey, track and field and soccer; others -

Knowledge of proper equipment care and storage.

Ability to supervise part-time, seasonal and volunteer employees.

30-35 Points - 12 exam questions

Some knowledge of modern recreation theory.

Knowledge of a variety of recreational activities such as arts and crafts, music, dancing, drawing, ceramics and nature activities, other -

Knowledge of first aid techniques and safety practices.

Knowledge of urban problems, especially as they relate to recreation activities and programs.

Over 35 Points - 14 exam questions

Knowledge of behavior problems and patterns for a variety of population groups, such as children, teenagers, senior citizens and ethnic groups.

Ability to instruct a variety of recreation and athletic activities.

Recreation Leader I

Rating of Critical = 10 points
Rating of Important = 5 points
Rating of Minor/Not Relevant = 0 points

1. Some knowledge of modern recreation theory;
   Ratings: 10, 5, 5, 10, 5
   total = 35 points

2. Knowledge of a variety of recreational activities;
   Ratings: 10, 5, 5, 10, 5
   total = 35 points

3. Knowledge of rules, regulations and techniques of a variety of athletic activities;
   Ratings: 5, 5, 5, 5, 5
   total = 25

4. Knowledge of first aid techniques and safety practices;
   Ratings: 5, 5, 10, 10, 5
   total = 35

5. Knowledge of proper equipment care and storage;
   Ratings: 5, 0, 5, 10, 5
   total = 25

6. Knowledge of urban problems, especially as they relate to recreation activities and programs.
   Ratings: 5, 10, 5, 5, 10
   total = 35

7. Knowledge of behavior problems and patterns for a variety of population groups.
   Ratings: 10, 10, 10, 5, 10
   total = 45 points

8. Ability to instruct a variety of recreation and athletic activities.
   Ratings: 10, 5, 10, 10, 10
   total = 45

9. Ability to supervise part-time, seasonal, and volunteer employees.
   Ratings: 5, 5, 5, 5, 5
   total = 25

10. Additional qualities
    Ratings: None Added
    total = 0 points